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For Immediate Release

### **The Government of Nunavut is appealing the Nunavut Court of Justice's decision which allowed the Inuktitut Education Discrimination lawsuit to proceed**

(April 25, 2023, Iqaluit, Nunavut) The Government of Nunavut (GN) has filed to appeal the Nunavut Court of Justice's decision to allow the Inuktitut Education Discrimination lawsuit to proceed to trial. Nunavut Tunngavik Inc. (NTI) and two Inuit families filed the lawsuit on the basis of discrimination faced by Inuit students in Nunavut's education system.

NTI is dismayed by the GN's continuing efforts and dedication of public resources to fight Nunavut Inuit in court. On March 2, 2023, the Court decided that the case needs to be heard in court and should proceed to trial without further delay, and ordered the GN to file its long overdue Statement of Defence.

In its appeal of the decision, the GN is reiterating the same harmful and hurtful arguments that the Court had rightly rejected. The GN argues that:

1. Inuit do not have equal rights under the *Canadian Charter of Rights and Freedoms (Charter)* that protect Inuit from being discriminated against based on Inuktitut as a part of Inuit cultural identity;
2. The *Charter* only protects English and French-speaking students from discrimination; and
3. The Nunavut Legislative Assembly may create whatever laws they would like when it comes to Inuktitut Education, even if it is harmful to Inuit.

On April 14, 2023, the GN served its Statement of Defence, which puts forward substantially the same harmful arguments as those found in their Motion to Strike, including their position that Inuit students are not protected by the *Charter* because it does not protect the Inuktitut language or language of instruction.

"NTI remains steadfast in our commitment to protecting Inuit and pursuing all avenues to end the discrimination of Inuit students in the Nunavut education system. To not be given any choice but to learn in English or French and not have the option to receive Inuit language of instruction past grade 3 harms the future of our children, our culture, and our language, in our own Inuit homeland", said NTI President, Aluki Kotierk.

"It is a sad day when our public government actively works against the dignity, language, culture, and identity of its majority constituents, including the most vulnerable members - Inuit children. This is not why the Government of Nunavut and the Nunavut Territory were created. We urgently need to make sure our children can achieve greater success in school, and they will do so in a school system that supports our language and culture," said NTI Vice-President, Paul Irgaut.

The GN's appeal can be found in full linked here: [NTI v. GN - Notice of Appeal Application to Strike \(tunngavik.com\)](https://www.tunngavik.com/NTI-v-GN-Notice-of-Appeal-Application-to-Strike) and their full Statement of Defence is linked here [GN-Statement-of-Defence-April-14-2023.pdf \(tunngavik.com\)](https://www.tunngavik.com/GN-Statement-of-Defence-April-14-2023.pdf). You can read Justice Bychok's decision rejecting the GN's Motion to Strike in full linked here: [08-21-463-CVC 2023-03-02.pdf \(tunngavik.com\)](https://www.tunngavik.com/08-21-463-CVC-2023-03-02.pdf)

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### Backgrounder: Inuit Language and Equality Rights

1. Since the creation of Nunavut in 1999, Nunavut Tunngavik Inc. members have passed annual general meeting resolutions in 1999, 2000, 2003, 2004, 2005, 2006, 2007, 2013, 2016, 2017, 2018 and 2019, consistently calling upon the Government of Nunavut to:
  - provide Inuktitut language of instruction from kindergarten to grade 12;
  - ensure the education system accorded Inuit parental control over education;
  - ensure curriculum reflected Inuit language and culture; and
  - ensure Inuit educators were supported in teacher education, training, hiring and retention.
2. The primary concerns raised from the last public consultations during the 2018 Nunavut-wide community tour were:
  - lack of Inuit educators, and the lack of support to Inuit in teacher education, training, practicum placement, hiring and retention;
  - lack of Inuktitut curriculum, resources and support to Inuit educators, and inability to develop quality education in Inuit language and culture, including their dialect preferences,
  - barriers to inclusion of Inuit elders as educators;
  - inability of parents and community members to have control and authority over education through district education authorities, and preference to retain their existing authorities (e.g., school programs, inclusive education, principal hiring, calendars etc.), and inability to exercise their authorities with limited support and resources; and
  - inability of students to succeed in school, post-secondary education, economic and employment opportunities because of social promotion and lack of collaboration on improvements to attendance rates.
3. NTI submitted its' own *Nunavut Education Reform Act* in the fall of 2019, as an alternative solution to Bill 25, an Act to Amend the *Education Act* and the *Inuit Language Protection Act*, which was provided to the Government of Nunavut prior to the passing of Bill 25 by the Legislative Assembly of Nunavut in October 2020. The *Nunavut Education Reform Act* was meant to provide for Inuktitut language of instruction from kindergarten to grade 12, Inuit control over their own education, authority over Inuktitut language and culture curriculum, an Inuit Employment Plan for the Government of Nunavut to educate, train, hire and retain Inuktitut-speaking educators, and other measures to improve educational attainment.
4. The Statement of Claim asserts that the Government of Nunavut infringes the equality rights of Inuit students protected by s. 15 of the *Canadian Charter of Rights and Freedoms*. GN systemically discriminates against Inuit students by:
  - forcing Inuit students to attend an education system comprised predominantly in English or French, and denying them education in their own language and culture; and
  - affecting their ability to achieve educational attainment, and further diminishing their opportunities to post-secondary education, employment and economic participation.
5. The Parties to the Statement of Claim are the Commissioner of Nunavut and the Attorney General of Nunavut as representatives of the Government of Nunavut, NTI and Inuit parents of students in the Nunavut public education system.
6. The Statement of Claim is pursued in the Nunavut Court of Justice to seek a court-mandated order for the Government of Nunavut to undertake the following specific steps:
  - develop an implementation plan in consultation with NTI within six months of the court order;
  - provide Inuit language education from grade 4 to grade 12 within five years of the court order; and
  - report back to the court periodically on the progress of the implementation plan

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on Inuktitut language education.

7. Alternatively, the Statement of Claim seeks a declaration that the amended legislation requiring only the provision of Inuit language arts classes by the year 2039 discriminates against Inuit parents and students and should no longer be of force or effect.
8. The GN did not file a Statement of Defence within thirty days after the Statement of Claim was filed. However, the GN filed a Motion to Dismiss the lawsuit on April 4, 2022, and a summary motion hearing was held in Iqaluit on August 2 and 3, 2022 in Iqaluit.
9. On March 2, 2023, the Nunavut Court of Justice released its decision on the Motion to Dismiss rejecting the GN's arguments thus allowing the lawsuit to proceed to trial and ordering the GN to file its long overdue Statement of Defence on April 13, 2023.
10. On April 14, 2023, the GN served its filed Statement of Defence. The arguments put forward by the GN substantially overlap with those made in their Motion to Strike. The GN argues that:
  - a. The *Charter* does not protect Inuit students because it does not protect language or language of instruction;
  - b. The drafters of the *Nunavut Agreement* chose not to constitutionalize an Inuktitut education system; and
  - c. The decisions of the Nunavut Assembly are entitled to deference in any case.